Marcello Free Under Bond; Contests Term

Rackets figure Carlos Marcello, 60, staging a last-ditch fight to avoid serving one two-year federal sentence, today was at liberty under $25,000 bond and facing another possible similar term for illegal re-entry into the country nine years ago.

An early arraignment in the latter case is expected as Marcello's counsel press for a U.S. Supreme Court rehearing of denial of review of his conviction for assaulting and intimidating an agent of the Federal Bureau of Investigation. They also are asking a new trial in district court at Houston.

The new indictment was handed to Judge James A. Comiskey about 11:30 a. m. yesterday, and sealed at the request of the U.S. attorney's office until Marcello could be arrested under a capias issued by the judge.

MARCELLO WAS arrested

See MARCELLO— Page 21

Continued from Page 1

about 1:30 p. m. by U.S. marshals at his office in the rear of the Town and Country Motel on Airline Highway in Metairie. He was accompanied to the office of U.S. Commissioner Ingard O. Johannesen by two of his attorneys, Michael Maroun and Bruce D. Burglass.

He promptly posted the bond signed by the Allegheny Mutual Casualty Co.

Yesterday's indictment charges that Marcello, also known as "Calogero Minacori," an alien, was arrested and deported April 4, 1961, and that following the deportation to Guatemala he did not apply for readmission to the United States as required by the Immigration and Nationality Act.

IT WAS THE second indictment against Marcello for this same offense. It first was charged he was illegally in the country in 1961, after he sneaked back into the country from Guatemala.

He was a subject of a widespread search which ended when he surrendered to immigration authorities at his Metairie home. Marcello later was charged in two other indictments, one alleging perjury and conspiracy to defraud the government in connection with his obtaining a Guatemalan birth certificate.

The other charged he tampered with the jury which tried him on the conspiracy indictment.

HE WAS FOUND innocent on both indictments, while they were pending the charge of illegal presence in the country was dismissed.

Marcello, in addition to the two-year term imposed for assaulting the FBI agent, faces the same sentence under the new charge, said Gerald J. Gallinghouse, U. S. attorney.

Gallinghouse expressed hope Marcello will be convicted on the new charge, serve time in both cases, and ultimately be deported.

HOWEVER, Marcello has been under a deportation order since 1952, based on a narcotics conviction in 1939. Efforts to deport him again have proved difficult because no country has agreed to accept him.

Marcello claimed he was born in Tunis, North Africa, but Tunisia, Italy, France, Mexico and other countries have refused to take him.

Silvestro "Sam" Carollo, the man who allegedly preceded Marcello as Mafia kingpin in Louisiana, also is under indictment here for "illegal presence." Arraignment has been delayed because of a serious heart condition.